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 MAR 10 2005
 CLERK U S DISTRICT COURT
 DISTRICT OF ARIZONA
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

VS.

Tony S. Dutson and Micaela R. Dutson,

Defendants.

No. CIV 04-2585-PHX-EHC

ORDER

On November 18, 2004, the United States of America (Government) filed a Complaint for Permanent Injunction and for other Relief, naming Tony S. Dutson, and Micaela R. Dutson, as Defendants and citing 28 U.S.C. §§ 1340 and 1345, and §§ 7402(a) and 7408 of the Internal Revenue Code of 1986 (26 U.S.C.)("Code"). (Dkt. 1).

Returns of Service for both Defendants were filed December 4, 2004. (Dkts. 10 and 11).

On December 10, 2004 (Dkt. Nos. 2, 3, 4, 5, 6 and 7) Defendants filed various materials, titled:

Dkt. 2 - Acceptance of Fiduciary,¹ purporting to accept "Martin M. Shoemaker" ..to be

¹The trial attorney Tax Division, U.S. Department of Justice, who filed the complaint.

25

1 the fiduciary for the Tony S. Dutson trust #543-74-3715, a U.S. minister/resident residing
2 in the State of Arizona...". Attached, amongst other items, is a copy of the summons and
3 complaint, with the handwritten signature of Defendant Tony S. Dutson, and "Accepted
4 for value front and back and returned in settlement and closure of this accounting
5 December 7, 2004" and below the signature "EIN #543743715." The "EIN" etc is
6 identified as his exemption "...to settle the above-referenced account," with a "credit to
7 the Order of the Department of the Treasury/Internal Revenue Service in the amount:
8 \$500,000.00."

9 Also attached is a "UCC Financing Statement" and a "Certificate of Protest" for the
10 Governments refusal "to perform on foreign bill of exchange #150003 mailed from
11 Arizona to Oregon, valued at \$30,000.00, dated 07/29/04, and submitted by Tony Stewart
12 Dutson, for settlement of account/case # 543-74-3715."

13 Dkt. 3, the same material filed in Dkt. 2;

14 Dkt. 4, the same material filed in Dkt. 2, and accepting "John Ashcroft," as
15 "Fiduciary," including an "Indemnity Bond" in the sum of \$5,000,000.00 ... through his
16 #encryption #543743715. "

17 Dkt. 5, "Acceptance of Fiduciary for Martin M. Shoemaker," as "Fiduciary" signed by
18 Micaela Renee Dutson, general trustee for Micaela R. Dutson "#307-50-9656."

19 Dkt. 6, is the same material filed in Dkt. 4, and signed by Micaela Renee Dutson, for
20 John Ashcroft, as "Fiduciary."

21 Dkt. 7, is a rescript of Dkt. 5, but naming "Mark W. Everson" as "Fiduciary."

22 Dkt. 8 purports to be a "registered acceptance of presentment dated December 7, 2004,
23 Account #543-74-3715; Case #CV'04 2585 PHX EHC." Defendant is identified as a
24 "secured party/creditor."

25 On December 22, 2004, Defendant Tony Stewart Dutson, naming himself as
26 "Libellant," filed a Motion (Dkt. 12) captioned as follows:

1
2 UNITED STATES OF AMERICA

3 Plaintiff,

4 v

5 TONY S. DUTSON AND MICAELA R. DUTSON

6 Defendant.

Case # CV'04 2585 PHX EHC

PETITION IN THE NATURE OF A
MOTION TO DISMISS FOR LACK OF
JURISDICTION AND PETITION IN
THE NATURE OF A MOTION FOR
SETTLEMENT AND CLOSURE OF
THE ESCROW

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10 Tony-Stewart: Dutson, and Micaela-Renee: Dutson,
11 secured parties, Real Parties In Interest, Lien
12 Holders on the Vessel, The Principal Injured Third
Party Intervenors, Libellants,

13 vs.

14 Paul Charlton, United States Attorney,
15 Martin M. Shoemaker, Esquire #001340,
16 Marilyn Page, Internal Revenue Agent #91-06702,
17 Michael Seal, IRS Group Manager, Amy Blaster,
18 Special Agent, Craig Walker, Special Agent,
Mark W. Everson, IRS Commissioner, US
VESSELS, JOHN DOES and JANE DOES 1-100,
Jointly and Severally, Libellees.

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22 On December 27, 2004, Defendant's Motion (Dkt. 12) was set for hearing January 10,
23 2005 and reset for January 18, 2005. (Dkt. 15).

24 On January 5, 2005, Defendant Tony Stewart Dutson; identified himself as:

25 ...being a living flesh and blood actual man, non-legal fiction, creditor and secured
26 party, injured party Libellant, hereinafter referred to as 'Libellant', state the
27 following:

1 Libellant is the agent for Tony Dutson, also known as TONY STEWART
2 DUTSON 543-74-3715, a non-living entity, Stramineous homo, commercial
Strawman, artificial entity, legal fiction, US VESSEL.

3 The Motion asserts, amongst other matters, that:

4 Libellant holds a priority secured claim against TONY S. DUTSON and MICAELA R.
5 DUTSON.

6 The Motion asserts that an additional sixty days is required for Libellant "to exhaust all
7 [of his] administrative remedies prior to continuation of Case No. CV'04 2585 PHX
8 EHC" and that otherwise the "law requires said case be dismissed."

9 The Motion was heard January 18, 2005. Defendants appeared personally.
10 Government counsel appeared telephonically. The Court granted Defendants ten days
11 from January 18, 2005, to file an answer or written response pursuant to the Rules of
12 Civil Procedure. (Dkt. 17).

13 On January 27, 2005, Defendant filed a "Motion for Enlargement of Time under
14 F.R.C.P. 6(b) or in the Alternative, Motion to Dismiss," (Dkt. 19) with the same caption
15 as Dkt. 12.

16 On January 27, 2005, Defendants filed a 14 page "Petition in the Nature of a Motion to
17 Dismiss for Lack of Jurisdiction and Petition in the Nature of a Motion for Settlement and
18 Closure of the Escrow." (Dkt. 20).

19 An "Affidavit" of Defendant was filed January 27, 2005 (Dkt. 21), alleging, amongst
20 other matters:

21 The United States of America is a fiction (corporation), and Libellants are visitors
22 in a court of fiction and make only a restricted appearance; Libellants are actual
23 beings of the Creator, and are of the Creator's likeness of character; that the
24 Creator's law and truth proceed from the Holy Scriptures which are truth and are not
inferior to the world of corrupted fiction that has no righteousness in it, and which is
manipulated by Libellees, et al., claiming immunity for Libellees' acts to
intentionally create confusion, fraud, scienter acts and continuous torts.

25 On February 4, 2005, the Government filed a "Response to Dutsons' Petition on the
26 Notice of Motion to Dismiss" (Dkt. 22) and a "Response to Defendant's Motion for
27 Enlargement of Time." (Dkt. 23).

1 Under date of January 26, 2005, Defendant mailed to the Court a copy of "Notice of
2 International Commercial Claim within the Admiralty ab initio". The Notice named this
3 Court as a "Libellee," along with "Martin M. Shoemaker, dba Esquire #001340, U.S.
4 Department of Justice" and "Paul Charlton, dba United States Attorney."

5 The Notice provided that "Libellee Earl H. Carroll is charged with distributing copies
6 to mail to all other named Libellees."

7 Under date of February 8, 2005, Defendants mailed to the Court a copy of a "Notice of
8 Fault-Opportunity to Cure," with copies to be distributed by the Court.

9 Under date of February 14, 2005, Defendants mailed to the Court a copy of a "Notice
10 of Default" with copies to be mailed by the Court.

11 Under date of February 19, 2005, Defendants mailed to the Court a copy of a "First
12 Notice of Demand and Settlement for Closing of Escrow"; again with copies to be mailed
13 by the Court.

14 Under date of February 24, 2005, Defendants mailed to the Court a copy of a "Second
15 Notice of Demand and Settlement for Closing of the Escrow" and charging the Court
16 "with distributing copies to all other above named Libellees."

17 Dkt. 24, filed February 10, 2005, was addressed to the Clerk, enclosing the following:

18 1. UNITED STATES' RESPONSE TO DUTSONS' PETITION IN THE NATURE
19 OF MOTION TO DISMISS, ETC., with its accompanying envelope, accepted for
value and for consideration, pursuant to F.R.C.P. 8, and returned;

20 2. UNITED STATES' RESPONSE TO DUTSONS' MOTION FOR
21 ENLARGEMENT OF TIME, accepted for value and for consideration, pursuant to
F.R.C.P. 8, and returned; and

22 3. Certificate of Service

23 Please file the above listed documents into the case number listed above, and send the
24 second copy to the judge.

25 Under date of March 1, 2005, Defendants mailed to the Court a copy of a Certificate of
26 Service and a copy of a "Contractual and Final Notice of Demand and Settlement for
27 Closing of the Escrow" and charging this Court "with distributing copies to all other
28

1 named Libellees."

2 Defendants are advised that neither the Clerk nor this Court have any obligation to
3 serve copies of matters submitted for filing in a proceeding.

4 It would serve no useful purpose to attempt to otherwise summarize the materials filed
5 by Defendants. Suffice it to say that they threaten various actions and/or penalties,
6 against the Court (U.S. District Judge Earl H. Carroll) or government attorneys and are
7 generally unintelligible, legally frivolous, void, and a nullity. They have no legal force or
8 effect and are unenforceable. See: Ryan v. Bilby, 764 F.2d 1325, 1327 (9th Cir. 1985); See
9 also 26 U.S.C. § 7402; Cook v. Peter Kiewit Sons, Co., 476 U.S. 1183 (1986); United States v.
10 Thomas, 819 F.Supp. 927 928 (D. Colo. 1993); United States v. Van Dyke, 568 F.Supp. 820 (D.
11 Or. 1983).

12 Accordingly,

13 **IT IS ORDERED** that the Clerk of the Court file in this docket (left side) the documents
14 mailed to this Court for distribution by the Court;

15 **IT IS FURTHER ORDERED** that, to the extent Defendants seek to assert a claim or lien
16 against this Court (U.S. District Judge Earl H. Carroll), the United States, or any attorneys or
17 agency of the United States, such claim or lien is a nullity, void, and of no force or effect and
18 unenforceable;

19 **IT IS FURTHER ORDERED** that the Clerk of the Court mail copies of this Order to
20 Defendants; Paul Charlton, U.S. Attorney; and Martin M. Shoemaker, Attorney for Plaintiff;

21 **IT IS FURTHER ORDERED** denying Defendants' Motions to Dismiss (Dkts. 19, 20) and
22 Motion for Enlargement of Time (Dkt. 19) and all other Motions to Dismiss filed by Defendants;

23 **IT IS FURTHER ORDERED** that any matters filed in this case which do not include a
24 Certificate of Service on the other party shall not be docketed by the Clerk;

25 **IT IS FURTHER ORDERED** that all matters filed on behalf of both Defendants shall be
26 signed by both Defendants;

27 **IT IS FURTHER ORDERED** setting a pretrial conference for the 31st day of March, 2005,

1 at 1:30 p.m., with Defendants and counsel for the Government to be personally present.

2 **DATED** this 9th day of March, 2005.

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5 Earl H. Carroll
6 United States District Judge
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